

United States Bankruptcy Court
Southern District of Mississippi

In re)
)
William H. Daniel,) Case No.13-00179 EE
Debtor) Chapter 7
)
Joseph and Lisa Wadsworth,)
Creditors)

**COMPLAINT OBJECTING TO DISCHARGE OF THE DEBTOR OR TO DETERMINE THE
DISCHARGEABILITY OF CERTAIN DEBTS**

COME NOW Joseph and Lisa Wadsworth, Creditors of the above-named Debtor, and object to the Debtor's discharge and pray that this Court will determine the dischargeability of the debt recited in the Debtor's bankruptcy schedules in the above Chapter 7 proceeding. In support of this objection, the Creditors would state the following:

Parties

1. William H. Daniel has filed a petition for relief under Chapter 7 of the U.S. Bankruptcy Code.
2. Joseph and Lisa Wadsworth ("the Wadsworths") are creditors of the Debtor.

Jurisdiction

3. This action is a core proceeding over which this Court has jurisdiction. 28 U.S.C. §§157(b) and 1334, 11 U.S.C. §523, Fed. R. Bankr. Proc. 4007 and 7001, et seq.

Facts

4. The Wadsworths assert on information and belief that the Debtor has, with intent to hinder, delay or defraud the Plaintiffs, transferred, removed,

destroyed, mutilated or concealed, or has permitted to be transferred, removed, destroyed, mutilated or concealed, property of the debtor, within one year before the date of the filing of the Petition.

5. The discharge of the Debtor should therefore be denied under Section 727(a)(2).

6. In the alternative, the Wadsworths assert on information and belief that the Debtor has concealed, destroyed, mutilated, falsified, or failed to keep or preserve recorded information, including books, documents, records, and papers from which the debtor's financial condition or business transactions might be ascertained, and such act(s) or failure(s) to act were unjustified under the circumstances of this case.

7. The discharge of the Debtor should therefore be denied under Section 727(a)(3).

8. In the alternative, the Wadsworths assert on information and belief that the Debtor has knowingly and fraudulently, in or in connection with this case, (a) made a false oath or account; (b) presented or used a false claim; (c) gave, offered, received or attempted to obtain money, property or advantage, or a promise of money, property or advantage, for acting or forbearing to act; or (d) withheld from an officer of the estate entitled to possession under this title, any recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs.

9. The discharge of the Debtor should therefore be denied under Section 727(a)(4).

10. In the alternative, the Wadsworths assert on information and belief that

the Debtor has failed to explain satisfactorily, before determination of denial of discharge under Sec. 727(a), any loss of assets or deficiency of assets to meet debtor's liabilities.

11. The discharge of the Debtor should therefore be denied under Section 727(a)(5).

12. Further, if the Wadsworths have pled or sought inappropriate or inadequate relief, then they do hereby pray for such other or appropriate relief as they may be entitled to in the premises.

RESPECTFULLY SUBMITTED this, the 6th day of June, 2013.

JOSEPH AND LISA WADSWORTH,

By: ANDERSON, CRAWLEY & BURKE, PLLC

By: /s/ Kenneth S. Womack
Kenneth S. Womack /MB #7353

CERTIFICATE OF SERVICE

I, Kenneth S. Womack, the undersigned counsel of record for Creditors, do hereby certify that on this date I electronically filed the foregoing pleading with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Eileen N. Shaffer, Esq.
P. O. Box 1177
Jackson, MS 39215-1177
enslaw@bellsouth.net

Mr. J. Stephen Smith
U.S. Bankruptcy Court - Chapter 7 Trustee
5 Old River Place, Ste. 107
Jackson, MS 39202
trustee1@smithcpafirm.com

This, the 6th day of June, 2013.

BY: /s/ Kenneth S. Womack
Kenneth S. Womack / MSB# 7353

Kenneth S. Womack / (MSB# 7353)
ANDERSON CRAWLEY & BURKE, PLLC
ATTORNEYS AT LAW
POST OFFICE BOX 2540
RIDGELAND, MS 39158
TELEPHONE: (601) 707-8800
FACSIMILE: (601) 707-8801
E-MAIL: KWomack@ACBLaw.com